

## To the Honorable Council City of Norfolk, Virginia

June 10, 2014

From:

George M. Homewood, AICP CFM, Planning Director

Williams, Jr., Assistant City

Subject:

Special exception to operate an eating and drinking establishment - Noodle Bar

by Qi Y. Chen

Reviewed:

Approved:

Ward/Superward: 2/6

Manager

**Item Number:** 

**R-4** 

Marcus D. Jones, City Manager

- Staff Recommendation: Approval. 1.
- Commission Action: By a vote of 6 to 0, the Planning Commission recommends Approval. II.
- Request: To allow Noodle Bar to operate a restaurant with alcoholic beverages to its III. customers.
- IV. **Applicant:**

Noodle Bar by Qi Y. Chen

411 Granby Street, Suite B

#### V. Description

- The site is zoned D-3 (Freemason/Granby Conservation and Mixed Use) district, which permits eating and drinking establishments by special exception.
- The proposed special exception amendment is consistent with plaNorfolk2030, which designates this site as Downtown.
- The site is located on the west side of Granby Street just north of West Freemason Street within Downtown Norfolk.
- Staff point of contact: Chrishaun Smith at 664-4740, <a href="mailto:chrishaun.smith@norfolk.gov">chrishaun.smith@norfolk.gov</a> VI.

#### Attachments:

- Staff Report to CPC dated May 22, 2014 with attachments
- **Proponents and Opponents**
- Ordinance



## To the City Planning Commission City of Norfolk, Virginia

May 22, 2014

From:

Chrishaun Smith

City Planner I

**Subject**: Special exception operate an eating and drinking establishment at 411 Granby

Street, Suite B – Noodle Bar

Reviewed: Leonard M. Newcomb III, CFM, KMNTAF

Land Use Services Manager

Ward/Superward: 2/6

Approved:

George M. Homewood, AICP, CFM

**Planning Director** 

**Item Number:** 

5

- Staff recommends approval, considering compliance with Zoning Recommendation: I. Ordinance requirements and consistency with approved plans.
- II. **Applicant:**

Noodle Bar by Qi Y. Chen

411 Granby Street, Suite B.

III. **Description:** 

This request would allow Noodle Bar to operate a restaurant with alcoholic beverages.

IV. **Analysis** 

> The site is located on the west side of Granby Street just north of West Freemason Street within Downtown Norfolk.

Plan Analysis

• The proposed special exception amendment is consistent with plaNorfolk2030, which designates this site as Downtown.

### **Zoning Analysis**

The site is zoned D-3 (Freemason/Granby Conservation and Mixed Use) district, which permits eating and drinking establishments by special exception.

	Previous (Nana Sushi)	Proposed (Noodle Bar)
Hours of operation and for the sale of alcoholic beverages	11:00 a.m10:00 p.m. Sunday through Thursday 11:00 a.m. until midnight Fridays 11:00 a.m. until 11:00 p.m. Saturdays	11:00 a.m. until 10:00 p.m. Sunday through Thursday 11:00 a.m. until 2:00 a.m. Friday through Saturday
Seating capacity	71 seats indoors 12 seats outdoors 93 Total Capacity	same

## • Special Exception history:

City Council Approval	Applicant	Seating
May 2012	Nana Sushi (eating and drinking establishment)	<ul><li>71 seats indoors</li><li>12 seats outdoors</li><li>93 total capacity</li></ul>
Pending	Noodle Bar (eating and drinking establishment)	Same

### Traffic Analysis

- Institute of Transportation Engineers figures calculate forecast travel for restaurants based upon the total seating of an establishment.
- Since no increase in indoor seating is being proposed for the site, no additional trips are projected.

### Parking Analysis

The site is located within the D-3 zoning district, which does not require off-street parking.

### V. Financial Impact

The addition of a new eating and drinking establishment in a previously vacant space will provide additional meal taxes to the city.

### VI. Environmental

- This site is located Downtown, which includes a mixture of commercial, office and residential uses.
- This application should have no adverse impact on the surrounding area.

## VII. Community Outreach/Notification

- Legal notice was posted on the property on April 15.
- Letters were sent to the Downtown Norfolk Civic League and Downtown Norfolk Council on April 30.
- Letters were mailed to all property owners within 300 feet of the property on May 7.
- Notice was sent to the civic leagues by the Department of Communications and Technology on May 7.
- Legal notification was placed in *The Virginian-Pilot* on May 8 and 15.

### VIII. Coordination/Outreach

This report has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

### **Supporting Material from the Department of Planning and Community Development:**

- Proposed Conditions
- Location Map
- Zoning Map
- 1000' Radii Map of Establishments with Special Exceptions for ABC On-Premise
- Application
- Letter to the Downtown Norfolk Civic League
- Letter to the Downtown Norfolk Council

# **Proponents and Opponents**

# **Proponents**

Qi Yao Chen 5290 Deford Road Virginia Beach, VA 23455

# **Opponents**

None

05/23/2014 tsv

Form and Correctness Approved

Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:

By DEPT

# **ORDINANCE No.**

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO NOODLE BAR, INC. AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT KNOWN AS "NOODLE BAR" ON PROPERTY LOCATED AT 411 GRANBY STREET, SUITE B.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Noodle Bar, Inc. authorizing the operation of an eating and drinking establishment named "Noodle Bar" on property located at 411 Granby Street, Suite B. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 76 feet, more or less, along the western line of Granby Street, beginning 113 feet, more or less, from the northern line of West Freemason Street and extending northwardly; premises numbered 411 Granby Street, Suite B.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be from 11:00 a.m. until 10:00 p.m. Sunday through Thursday and from 11:00 a.m. until 2:00 a.m. the following morning on Saturday and Sunday. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not exceed 71 seats indoors, 12 seats outdoors, and the total occupant capacity, including employees, shall not exceed 93 people.
- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the

operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

- (d) The establishment shall maintain a current, active business license at all times while in operation.
- (e) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (f) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (g) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (h) A menu shall be provided containing an assortment of foods which shall be made available at all times the restaurant is open. A food menu and full dining service shall be available at the bar.
- (i) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator, or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in

"Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (j) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (k) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (1) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on site at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is

### located;

- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- will be proposed use and development (d) The constructed, arranged and operated so as not to development interfere with the use and in accordance with the neighboring property applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be

recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT: Exhibit A (3 pages)



# Description of Operations Eating and Drinking Establishment

Date						
Trade name of business						
Address of business 411 Granty Street, Suite B, Norfolk, A 2350						
Name(s) of business owner(s)*	BAR, Inc					
Name(s) of property owner(s)* 411 6(An)	by, LLC					
Daytime telephone number ( 757 )	1509					
*If business or property owner is partnership, a *If business or property owner is an LLC or Co	all partners must be listed. orporation, all principals must be listed.					
1. Proposed Hours of Operation:						
Facility_	Alcoholic Beverage Sales					
Weekday From / / / To // pm	Weekday From Il Am To 10pm					
Friday From Ilam To 12 AM	Friday From 11 Am To 12 Am	m				
Saturday From 11 Am To 2Am	Saturday From II AmTo Then 2	KIN				
Sunday From <u>Ham</u> To <u>10 pm</u>	Sunday From I AmTo 10 pm					
2. Type of ABC license applied for (check all ☐ On-Premises ☐ Off-Premises (a	l applicable boxes) (additional application required)					
3. Type of alcoholic beverage applied for ☐ Beer ☐ Wine ☐ Mixed Bev	verage					
4. Will indoor or outdoor entertainment be pro- (Entertainment consists of anything more the Yes (Different application required)	ovided? han one, unamplified musician) ☑No					

# DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

# Exhibit A – Page 2 Eating and Drinking Establishment

5.		Will video games, pool tables, game boards or other types of games be provided?  ☐ Yes (If more than 4, additional application required)					
	5a.	If yes, please	describe ty	pe and numb	er of each gai	me to be provided	
6.	Will pa	atrons ever be ☑ No	charged to	enter the esta	ablishment?		
	6a.	If yes, why					
	6b.	Which days o	of the week v	will there be a	cover charge	(circle all applicable	e days)'
		Monday	Tuesday	Wednesday	/ Thursday	Friday	
		Saturday	Sunday	NA			
7.	Will th □ Yes	e facility or a p ⊿∕No	oortion of the	e facility be av	ailable for pri	vate parties?	
	7a.	If yes, explair	1				
8.	Will a □ Yes	third party (pro	omoter) be p	permitted to le	ase, let or use	e the establishment?	<b>&gt;</b>
	8a.	If yes, explain	)				
9.	Will th	nere ever be a	minimum a	ge limit?			

# **DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

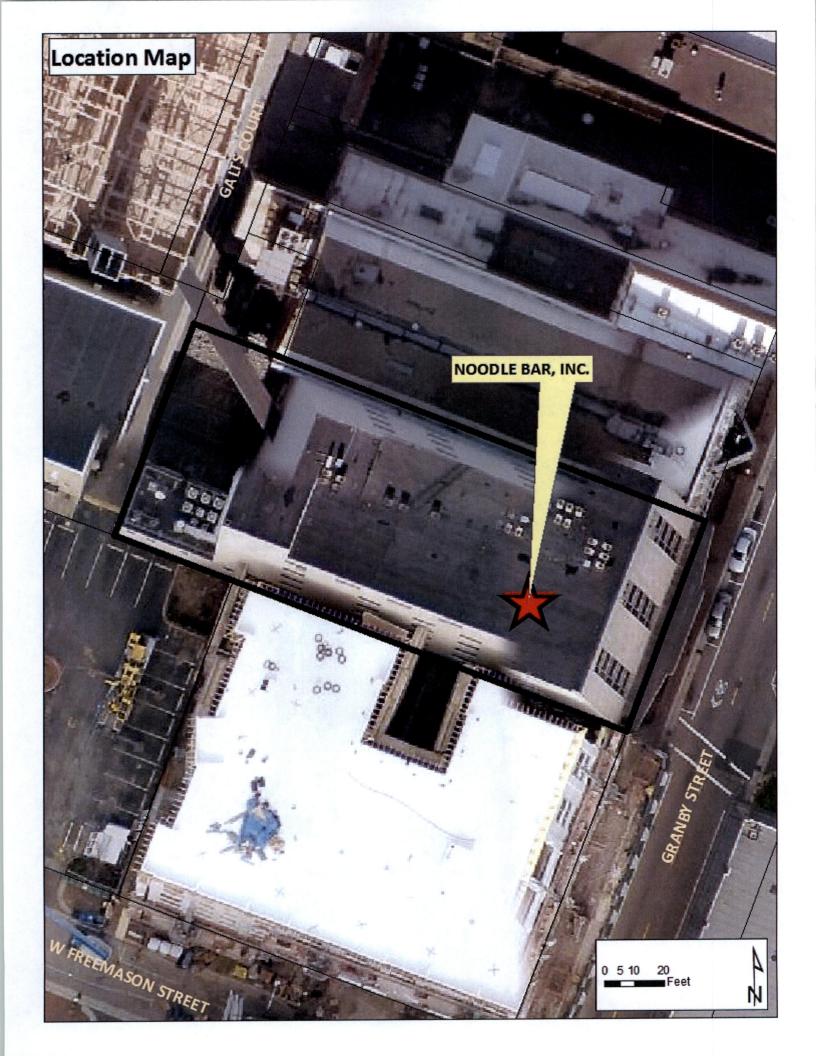
# Exhibit A – Page 3 Eating and Drinking Establishment

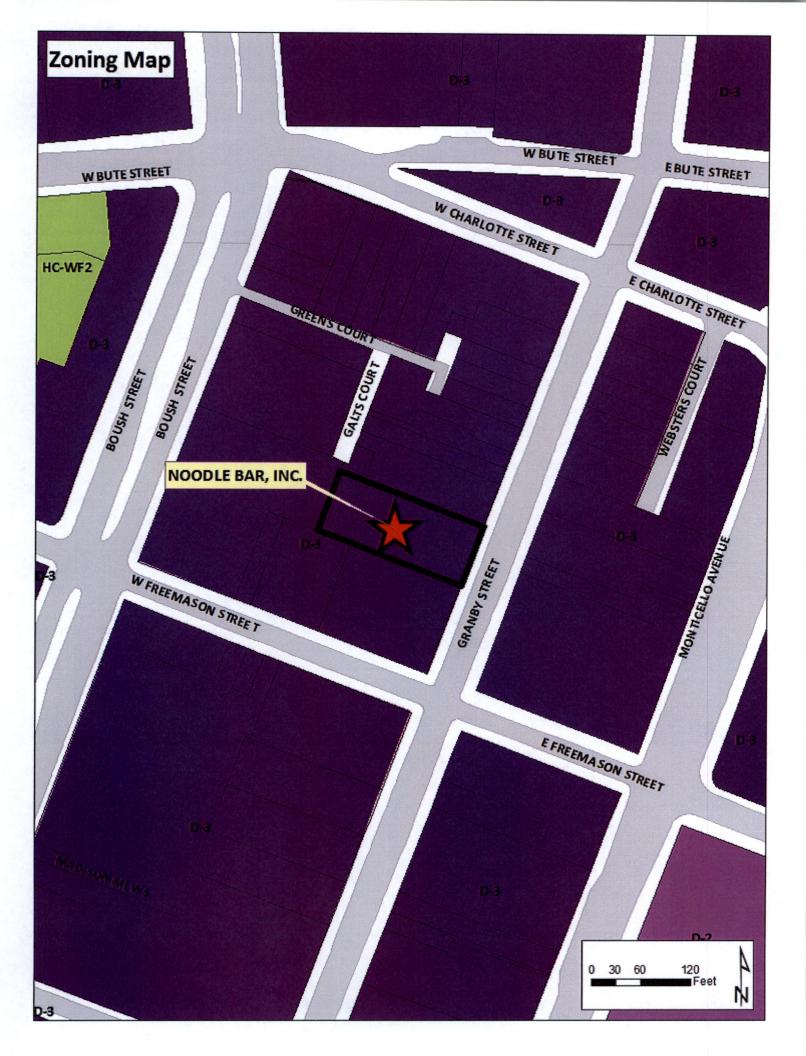
10. Additional comments/ description/operational characteristics or prior experience:	
Note: If smoking is permitted, then floor plans must be submitted showing all necessa building requirements for such facility	ry
Signature of Applicant	

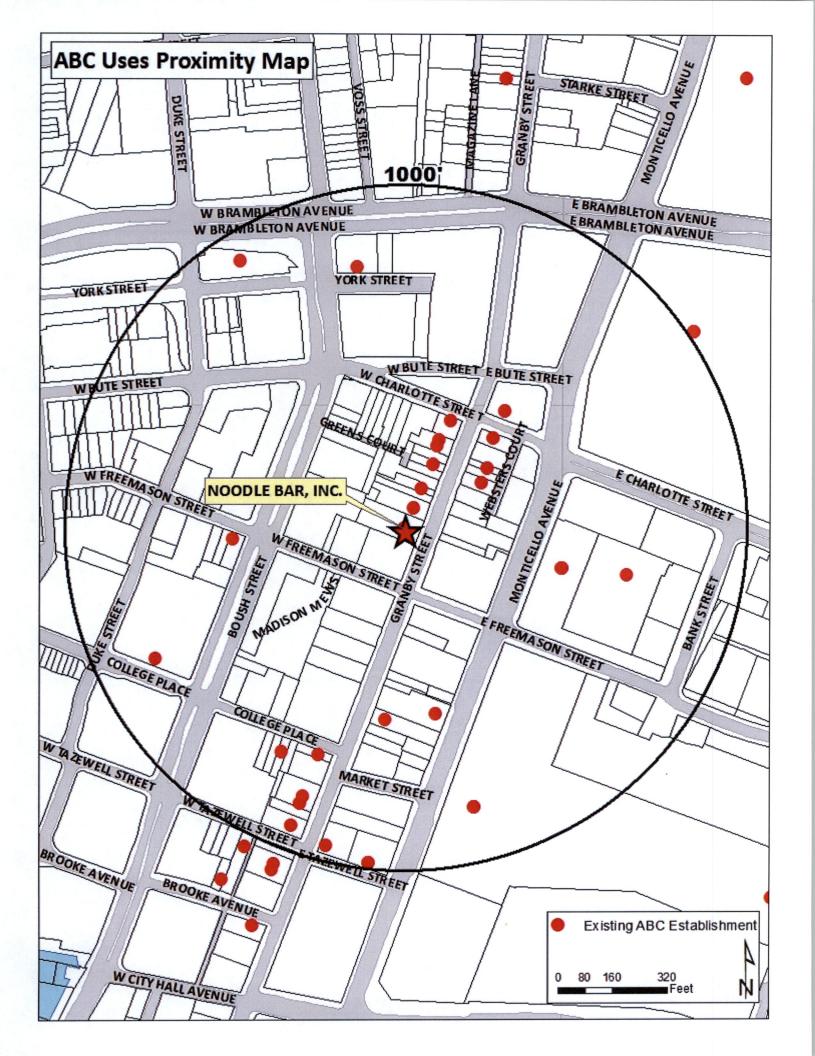
### Noodle Bar – 411 Granby Street Eating and Drinking Establishment Conditions

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be from 11:00 a.m. until 10:00 p.m. Sunday through Thursday; and 11:00 a.m. until 2:00 a.m. Saturday and Sunday. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not exceed 71 seats indoors, 12 seats outdoors, and the total occupant capacity, including employees, shall not exceed 93 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.
- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (d) The establishment shall maintain a current, active business license at all times while in operation.
- (e) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (f) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (g) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

- (h) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (i) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (j) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (k) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (I Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (m) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.









APPLICATION
ADULT USE SPECIAL EXCEPTION
EATING AND DRINKING ESTABLISHMENT
(Please print)

ABC 1	nanger!	
Q: YAO	CHE	4
Ming	Hui	Chen
Amand	A C	heng

Date 3/19/14
DESCRIPTION OF PROPERTY
Address 411 Grandy street, swite B1 Norfolk, VA 23510
Existing Use of Property Restaurant
Proposed Use Restaurant
Current Building Square Footage 2,790
Proposed Building Square Footage 2,790
Trade Name of Business (if applicable)
APPLICANT/ PROPERTY OWNER
1. Name of applicant: (Last) CHEN (First) QI (MI) YAD
Mailing address of applicant (Street/P.O. Box) 5290 Deford Vd
(City) VA ZeAch (State) VA (Zip Code) 23455
Daytime telephone number of applicant (35) 748-1509 Fax number ( )
E-mail address of applicant TCHEH 22687@hotmal.com
2. Name of property owner (Last) 41, Grant LLC (First) (MI)
Mailing address of property owner (Street/P.O. Box) 411 Granty Street,
(City) (State) (Zip Code) 23510
Daytime telephone number of owner ( ) Fax number ( )

# DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

Page 2
CONTACT INFORMATION
Civic League contact Kevin Muschy
Date(s) contacted
Ward/Super Ward information 2 € 4
<ul> <li>Required application fee, \$355.00 (if check, make payable to Norfolk City Treasurer).         <ul> <li>○ Application fee includes a non-refundable \$5 technology surcharge.</li> </ul> </li> <li>Two 8½ inch x 14 inch (maximum size) copies of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)</li> <li>Two 8½ inch x 14 inch (maximum size) copies of a survey or conceptual site plan (required for new construction or site improvements) drawn to scale showing:</li></ul>
CERTIFICATION I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:
Print name: Frenk Gaelans Sign: 3   20   14 (Date) (Date)
Print name: Sign: Sign: 3 19 1 14 (Date)

**Application** 

**Eating and Drinking Establishment** 



# EXHIBIT "A" Description of Operations Eating and Drinking Establishment

Date						
Trade name of business						
Address of business 411 Granby St	reet, Suite B, NortoW. A 23510					
Name(s) of business owner(s)* Noodle BAR, Inc						
Name(s) of property owner(s)* 411 6(An)	4, LLC					
Daytime telephone number ( 757 )	1509					
*If business or property owner is partnership, a *If business or property owner is an LLC or Co	all partners must be listed. rporation, all principals must be listed.					
1. Proposed Hours of Operation:						
Facility Weekday FromToTo	Alcoholic Beverage Sales Weekday From 11 Am To 10pm					
Friday From Ilam To 12 Am  2Am  2Am	Friday From 11 An To 12 Am					
Saturday From 11 Am To 2Am	Saturday From I AmTo 2Am					
Sunday From <u>Ham</u> To <u>/0 pm</u>	Sunday From     AMTo / D PM					
2. Type of ABC license applied for (check all a ✓ On-Premises ☐ Off-Premises (a	applicable boxes) additional application required)					
3. Type of alcoholic beverage applied for   ☐ Beer ☐ Wine ☐ Mixed Bev	verage					
<ul> <li>Will indoor or outdoor entertainment be prove (Entertainment consists of anything more the Yes (Different application required)</li> </ul>	nan ope, unamplified musician)					

# DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

# Exhibit A – Page 2 Eating and Drinking Establishment

5.	Will video games, pool tables, game boards or other types of games be provided?  ☐ Yes (If more than 4, additional application required)  ☐ No								
	5a.	If yes, ple	eas	e describe ty	pe and nur	nber of	each gar	ne to be pr	ovided 
6.	Will pa		_	e charged to	enter the e	stablis	hment?		
	6a.	If yes, wh	ny						
	6b.	Which da	ıys	of the week	will there be	e a cov	er charge	(circle all a	— applicable days)
		Monday		Tuesday	Wednes	day Th	nursday	Friday	
		Saturday		Sunday	NA				
7.	Will th □ Yes	•		portion of th	e facility be	availa	ble for priv	vate parties	s?
	7a.	If yes, ex	plai	n					
8.	Will a □ Yes			omoter) be	permitted to	lease,	, let or use	e the estab	 lishment?
	8a.	If yes, ex	plai	n					
			_		· <del>-</del>				
9.	Will th □ Yes		_	minimum a	ige limit?				

# **DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

# Exhibit A – Page 3 Eating and Drinking Establishment

10. Additional comments/ description/operational characteristics or prior experience:
Note: If smoking is permitted, then floor plans must be submitted showing all necessary
ouilding requirements for such facility

Signature of Applicant

# Exhibit A – Floor Plan(s) Worksheet Eating and Drinking Establishment

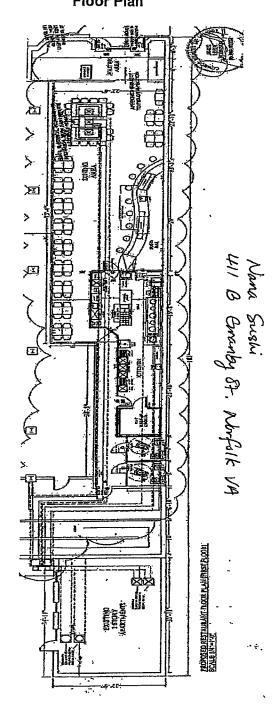
- Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - o Bar
  - o Ingress and egress
  - Standing room
  - Outdoor seating
  - o Total maximum capacity (including employees)

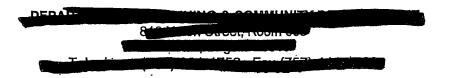
### Total capacity

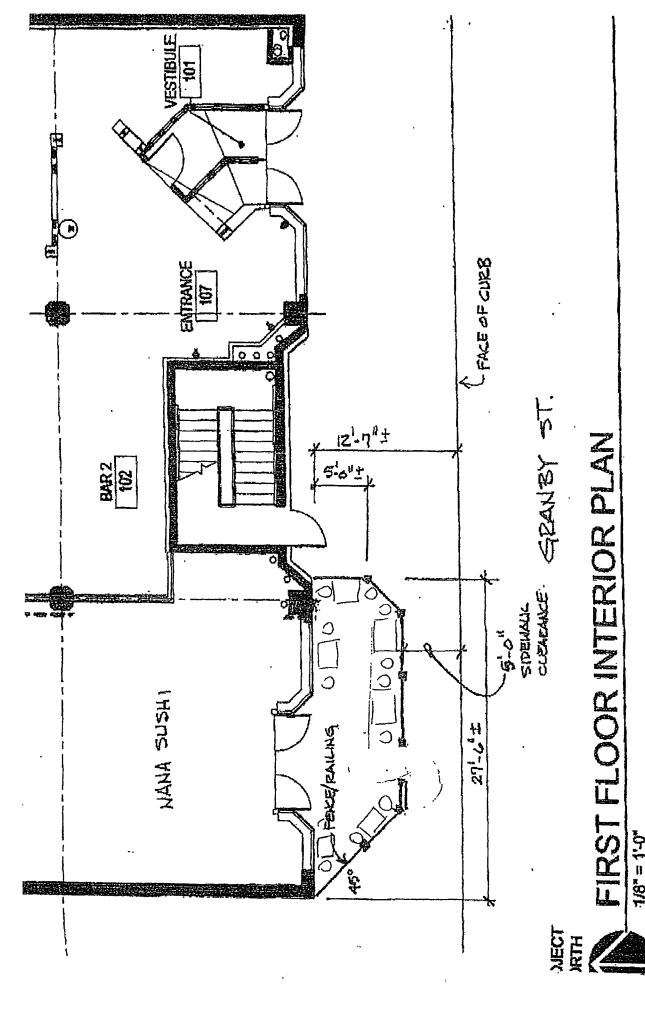
a.	Indoor Number of seats (not including bar seats) Number of bar seats Standing room	9
b.	Outdoor Number of seats	_12
c.	Number of employees	10

Total Occupancy (Indoor/Outdoor seats, standing room and employees) = 93









1/8" = 1.0"



May 1, 2014

Kevin Murphy President, Downtown Norfolk Civic League P.O. Box 3655 Norfolk, VA 23514

Dear Mr. Murphy,

The Planning Department has received an application for a special exception to operate an eating and drinking establishment on property located at 411 Granby Street, Suite B. This item is tentatively scheduled for the May 22, 2014 City Planning Commission public hearing.

### **Summary**

This request would allow Noodle Bar to operate a restaurant with alcoholic beverages.

	Proposed
Hours of Operation and for the Sale of Alcoholic Beverages	11:00 a.m. until 10:00 p.m., Sunday through Thursday 11:00 a.m. until 2:00 a.m. Friday and Saturday
Seating Capacity	<ul><li>71 seats indoors</li><li>12 seats outdoors</li><li>93 total capacity</li></ul>

If you would like additional information on the request, you may contact the applicant, Qi Chen, at (757) 748-1509 or you may telephone me at (757) 664-4740. A copy of the complete application is enclosed.

Sincerely,

Chrishaun Smith City Planner I

Land Use Services

cc: Oneiceia Howard, Senior Neighborhood Development Specialist

Oneiceia. Howard@Norfolk.gov or (757) 664-6761



May 1, 2014

Mary Miller President, Downtown Norfolk Council 201 Granby Street, Suite 101 Norfolk, VA 23510

Dear Ms. Miller,

The Planning Department has received an application for a special exception to operate an eating and drinking establishment on property located at 411 Granby Street, Suite B. This item is tentatively scheduled for the May 22, 2014 City Planning Commission public hearing.

### Summary

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Seating Capacity	<ul><li>71 seats indoors</li><li>12 seats outdoors</li><li>93 total capacity</li></ul>

If you would like additional information on the request, you may contact the applicant, Qi Chen, at (757) 748-1509 or you may telephone me at (757) 664-4740. A copy of the complete application is enclosed.

Sincerely

Chrishaun Smith City Planner I Land Use Services

cc: Oneiceia Howard, Senior Neighborhood Development Specialist

Oneiceia. Howard@Norfolk.gov or (757) 664-6761